

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

FRANCES E. MOLARIUS,

Plaintiff,

v.

NORTHWEST NEVADA TELCO, INC. a  
corporation; NEVADA TELCOM SERVICES,  
INC. and/or DOES I through X, ROE  
CORPORATIONS A through E, jointly and  
severally,

Defendants.

03:05-CV-00383-LRH-VPC

ORDER

Presently before the court is Plaintiff Frances Molarius's ("Molarius") Motion for Stay and Extension of Time (# 87<sup>1</sup>). Defendants, Northwest Telco, Inc. and Northwest Nevada Telco, Inc. d/b/a Nevada Telecom Services, Inc. (collectively "Defendants"), have filed an opposition (# 91), and Molarius replied (# 92).

Defendants filed a Motion for Attorney's Fees and Related Non-Taxable Expenses (# 84) on November 14, 2007. Molarius is currently seeking a stay of this motion pending the resolution of the appeal. Molarius argues that the resolution of the appeal may render Defendants' motion moot. Alternatively, Molarius seeks an extension of time to file an opposition to Defendants'

---

<sup>1</sup>Refers to the court's docket number.

1 motion. Defendants oppose the motion arguing there is no basis for such a stay at this time.

2 Molarius relies on Rule 62(d) of the Federal Rules of Civil Procedure to support her motion  
3 for a stay. Rule 62(d) permits a party to obtain a stay by supersedeas bond. Fed. R. Civ. P. 62(d).  
4 The amount of the bond is usually set at an amount that will permit satisfaction of the judgment  
5 along with costs, interest, and damages for the delay. 11 Charles Alan Wright, Arthur R. Miller &  
6 Mary Kay Kane, *Federal Practice and Procedure* § 2905 (2d. ed. 1995).

7 The court finds the issuance of a stay is inappropriate at this time. The court has not  
8 determined whether an award of attorney's fees will be granted nor has it determined the amount of  
9 any possible award. Thus, Molarius's motion is premature at this time. Upon the determination of  
10 Defendants' motion for attorney's fees, Molarius may renew her request for a stay.

11 With respect to Molarius's motion for time, the court will grant Molarius thirty (30) days to  
12 file an opposition to Defendants' motion. No further extensions will be granted. Defendants shall  
13 then have thirty (30) days to reply. The matter will then be submitted.

14 IT IS THEREFORE ORDERED that Molarius's Motion for Stay and Extension of Time (#  
15 87) is hereby GRANTED in part and DENIED in part. Molarius's motion for stay is DENIED.  
16 Molarius shall have thirty (30) days from the date of this order to file an opposition. Defendants  
17 shall then have thirty (30) days to reply.

18 IT IS SO ORDERED.

19 DATED this 28<sup>th</sup> day of April, 2008.



22 LARRY R. HICKS  
23 UNITED STATES DISTRICT JUDGE